

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERICA FIGUEROA,

Civil Action No.:

Plaintiff,

**NOTICE OF REMOVAL**

- against -

BJ'S WHOLESALE CLUB INC. and  
"ABC CORPORATION" (the aforesaid name being  
fictitious and its true name being unknown),

Defendants.  
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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, BJ'S WHOLESALE CLUB, INC. ("BJ's") (hereinafter "Defendant"), upon  
information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about October 4, 2021, the above-captioned civil action was commenced and  
is now pending in the Supreme Court of the State of New York, County of Bronx. A trial has not  
yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. A copy  
of the affidavit of service is annexed as **Exhibit "B"**.

2. On or about October 12, 2021, Defendant filed its Verified Answer to plaintiff's  
Verified Complaint. A copy of Defendants' Verified Answer is annexed as **Exhibit "C"**.

3. The action seeks monetary damages for personal injuries allegedly suffered by  
plaintiff, ERICA FIGUEROA, after she allegedly slipped and fell due to a slippery condition  
while she was at a BJ's Club located at 610 Exterior Street, Bronx, New York. Plaintiff's  
Complaint sounds in negligence. See Exhibit A at ¶¶ 5-9.

4. The action involves a controversy between citizens of different states, in that: (a)  
Plaintiff is a citizen of the State of New York; and (b) Petitioner, Defendant, BJ's is now and was

at the time the action was commenced a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Petitioner and Plaintiff.

6. In addition, annexed as **Exhibit “D”** is plaintiff’s Response to Preliminary Conference Order, dated April 8, 2022 and received by the undersigned on April 21, 2022, in which plaintiff confirmed that she is seeking \$3,000,000 in compensatory damages as a result of the subject accident.

7. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff’s written allegation that her alleged damages exceed \$75,000. See Exhibit D.

8. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

9. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx, promptly after the filing of this Notice.

10. Attached to this Notice and by reference made a part hereof are true and correct copies of all process and pleadings filed herein.

11. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.


**WHEREFORE**, Defendant requests that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Honorable Court.

Dated: Garden City, New York  
May 13, 2022

Yours, etc.

**GOLDBERG SEGALLA LLP**

By:

  
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